

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARDELL DEWAYNE JOHNSON,

Defendant.

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CASE NO. 8:08CR234

ORDER

This matter is before the Court on the Defendant's motion to amend the Judgment (Filing No. 96).

Defense counsel states that the Bureau of Prisons will not credit the Defendant for the time recommended by the Court in the Judgment. After carefully considering the motion and the underlying facts, the Court will deny the motion. The Judgment states the Court's recommendation for credit for time served from April 22, 2008, and the Court defers to the Bureau of Prison's calculation of credit for time served. *United States v. Pardue*, 363 F.3d 695, 697 (8th Cir. 2004) (citing 18 U.S.C. § 3585(b) for the proposition that the Bureau of Prisons has discretion to determine the amount of credit for time served).

IT IS ORDERED that the Defendant's motion to amend the Judgment (Filing No. 96) is denied.

DATED this 2nd day of October, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge